

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SCOTT A. CASH,

)

4:06cv3073

)

Petitioner,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

ROBERT HOUSTON,

)

)

Respondent.

)

The petitioner has filed a petition for writ of habeas corpus and an amendment to the petition. (Filing Nos. 1 and 17.) The respondent has filed an answer and amended answer, with state court records. (Filing Nos. 13, 14, 19, and 36.)

This case is ready for progression. Accordingly,

IT IS ORDERED that:

(1) The following progression order is entered:

A. No later than October 29, 2007, the respondent shall file a separate brief. The brief shall address all matters germane to the case including, but not limited to, the merits of the petitioner's allegations, and whether any claim is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, a statute of limitations, or because the petition is an unauthorized second or successive petition. *See, e.g., Rules 5(b) and 9 of the Rules Governing Section 2254 Cases in the United States District Courts. In addition, the brief shall contain "pin point" citations to the state court records. When respondent serves a copy of the brief on petitioner, respondent shall also provide the petitioner with a copy the specific pages of the record which are cited in the respondent's brief.*

B. No later than 30 days following the filing of the respondent's brief, the petitioner shall file and serve a brief in response. The petitioner shall submit no other documents unless directed to do so by the court.

C. No later than 30 days after the filing of the petitioner's brief, the respondent shall file and serve a reply brief.

D. No discovery shall be undertaken without leave of the court. *See* Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts.

(2) The Clerk of the court is directed to set a pro se case management deadline using the following text: December 31, 2007, briefing should be complete.

September 27, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge